

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1, 3-4, 6-8, 10-14, 16-19 and 21-28 are presently active in this case. The present Amendment amends Claims 1, 8, 10, 13, 17-19, 23 and 27-28 without introducing any new matter and cancels Claims 5 and 20 without prejudice.

The outstanding Office Action rejected Claims 27-28 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claim 23 was rejected under 35 U.S.C. §112, second paragraph, as indefinite. Claims 17-20 and 27-28 were objected to under 37 C.F.R. §1.75(c), as of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 1, 3-4, 6, 8, 11, 13-14, 16-20 and 24-28 were rejected under 35 U.S.C. §102(e) as anticipated by Crichton et al. (U.S. Patent No. 6,104,716, herein "Crichton"). Claims 7 and 12 were rejected under 35 U.S.C. §103(a) as unpatentable over Crichton in view of the publication of Halsall Data Communications, Computer Networks and Open Systems, Chapter 10 "Broadband Multi-service Networks" (herein "Halsall").

Claims 21-22 were allowed and Claims 5, 10 and 23 were indicated as allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph. Applicants acknowledge with appreciation the indication of allowable subject matter.

In response to the indication of allowable subject matter, independent Claim 1 is amended to recite all the features of dependent Claim 5 and independent Claim 8 is amended to recite the features regarding identifying a size of the particular type IP data packet from allowable dependent Claim 10.¹ Consequently, this feature is cancelled from dependent Claim 10.

¹ Finds non-limiting support in Applicants' disclosure as originally filed, for example in original Claim 5 and at

In response to the rejection of Claim 23 under 35 U.S.C. §112, second paragraph, Claim 23 is amended to recite “a firewall.” In view of amended Claim 23, it is believed that all pending claims are definite and no further rejection on that basis is anticipated.

In response to the rejection of Claims 27-28 under 35 U.S.C. §112, first paragraph, Applicants respectfully traverse the rejection. It is well-known to one of ordinary skill in the art that the abbreviation ICMP means Internet Control Message Protocol. Documentary support using this abbreviation can be found for example in the U.S. Patents 6,847,994 and 6,754,622 in the Abstracts, both patents from the telecommunication field. Further, the abbreviation ICMP is recited throughout Applicants’ specification as originally filed, for example at page 2, line 25, page 3, line 25, page 4, line 10 etc. For consistency, the specification is amended to recite “Internet Control Message Protocol” at page 2, line 25. Thereby, the claims are believed to be in full compliance with 35 U.S.C. §112, first paragraph.

In response to the objection to Claims 17-20 and 27-28 under 37 C.F.R. §1.75(c), Claims 17-18 are amended to recite “The apparatus as claimed in claim 13, wherein said IC-breaker includes,” thereby further limiting the base claim, from which Claims 17-18 depend. Claim 19 is rewritten in independent form, by reciting all the features of independent Claim 13 and a feature regarding identifying the size of a ping-packet, finding non-limiting support in Applicants’ disclosure as originally filed.² Claim 20 is cancelled. Claims 27-28 are amended to recite “wherein said ping-packet is an internet control message protocol packet ICMP,” thereby further limiting the base claim, from which Claims 27-28 depend.

In response to the rejection of Claim 13 under 35 U.S.C. §102(e) in view of Crichton, that rejection is traversed by the present response.

page 6, lines 26-29.

² Idem in original Claim 5 and at page 6, lines 26-29.

Independent Claim 13 is amended to recite a feature regarding the second IC-breaker being configured to identify a size of a ping-packet, in accordance with the amendments to independent Claims 1 and 8. This feature finds non-limiting support in original Claim 5 and since Claim 5 is indicated as being allowable, amended Claim 13 is also believed to be allowable. Therefore, Applicants respectfully request reconsideration of the rejection of Claim 13.

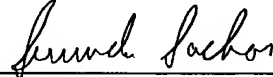
In response to the rejection of Claims 7 and 13 under 35 U.S.C. §103(a), since the independent claims are believed to be allowable, dependent Claims 7 and 13 are also believed to be allowable. Further, even if the combination of the reference Crichton with Halsall is assumed to be proper, the applied reference Halsall does not remedy the deficiencies of Crichton. Halsall as well as Crichton are silent regarding the identifying by the second IC-breaker a size of the particular type IP data packet received from the first IC-breaker. Accordingly, Applicants traverse the rejection and respectfully request reconsideration of the obviousness-type rejection.

Consequently, in view of the present Amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1, 3-4, 6-8, 10-14, 16-19 and 21-28 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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